

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SILVON SIMMONS,

NOTICE OF PARTIAL
MOTIOIN FOR SUMMARY
JUDGMENT

Plaintiff,

Case No.: 17-cv-6176

v.

JOSEPH M. FERRIGNO, II, SAMUEL GIANCURSIO,
MARK WIATER, CHRISTOPHER MUSCATO,
ROBERT WETZELL, MICHAEL CIMINELLI, JOHN
DOES 1-20, CITY OF ROCHESTER,
SHOTSPOTTER INC., SST, INC., JOHN DOES 21-30
and PAUL C. GREENE,

Defendants.

Defendants move this Court pursuant to Local Rule 56(a) for partial summary judgment of some of the causes contained in the Amended Complaint in the above entitled action; specifically, the City seeks summary judgment on the Court dismiss the Third, the remainder of the Seventh Cause of Action, Eighth and Ninth Causes of Action, granting of Qualified Immunity to officers Ferrigno and Giancursio as to the First Cause of Action for False Arrest in Plaintiff's Amended Complaint and granting such other and further relief as is proper.

In support of this Motion the Court is referred to the Attorney Declaration of John M. Campolieto, Esq., with the Amended Complaint attached, Memorandum of Law, the Affidavits of Mark Wiater, Robert Wetzel and Christopher Muscato and attached Exhibits A-L, submitted herewith and made part of this Motion.

DATED: December 22, 2022

LINDA S. KINGSLEY, CORPORATION COUNSEL

/s/John M. Campolieto

BY: JOHN M. CAMPOLIETO, ESQ, of Counsel
Attorneys for Defendants
City Hall Room 400A, 30 Church Street
Rochester, New York 14614
(585) 428-7410

To: Charles F. Burkwit, Esq.
Attorney for Plaintiff
16 East Main Street
Rochester, New York 14610
(585)546-1588

Barclay Damon LLP.
Paul A. Sanders, Esq.
Attorneys for Defendants ShotSpotter, Inc.
2000 Five Star Bank Plaza
Rochester, NY 14604

Kilpatrick, Townsend & Stockton, LLP
Benjamin M. Kleinman, Esq.
Attorneys for Defendants ShotSpotter, Inc.
Two Embarcadero Center, Suite 1900
San Francisco, CA 94111

Jordan Trent Jones
Law Offices of Jordan Trent Jones
2268 Westborough Boulevard | Suite 302 #201 | South San Francisco, CA
94080
office 415-418-0380
jtjones@jtrentjoneslaw.com